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**Attorneys for Plaintiffs**

## UNITED STATES DISTRICT COURT

## DISTRICT OF OREGON

## PORTLAND DIVISION

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| DON'T SHOOT PORTLAND, et al.,         | ) |                                |
|                                       | ) | Case No. 3:20-cv-00917-HZ      |
| Plaintiffs                            | ) | SUPPLEMENTAL MEMORANDUM IN     |
| v.                                    | ) | SUPPORT OF PLAINTIFFS' MOTION  |
| CITY OF PORTLAND, a municipal         | ) | FOR FINDING OF CONTEMPT AND    |
| corporation, and MULTNOMAH COUNTY,    | ) | FOR SANCTIONS AGAINST          |
| a political subdivision of the State, | ) | DEFENDANT CITY OF PORTLAND     |
| Defendants.                           | ) | <b>Oral Argument Requested</b> |
|                                       | ) |                                |
|                                       | ) |                                |

Plaintiffs file this supplemental memorandum and declarations of Haley Loring Dallas (“Dallas Decl.”); Gillian Herrera (“Herrera 2 Decl.”); Colin Herring (“Herring Decl.”); Eric Greatwood (“Greatwood Decl.”); and Dylan Van Weelden (“VanWeelden Decl.”), and Katarina Haas (“Haas Decl.”) in support of their Motion for Finding of Contempt and For Sanctions Against Defendant City of Portland.

**I. SUPPLEMENTAL FACTS****A. Thursday, June 25, 2020**

On Thursday, June 25, 2020, at around 9:00pm, a group of demonstrators marched from Fernhill Park and arrived at the Portland Police Bureau’s North Precinct (“North Precinct” or “the precinct”). Herrera Decl., Dkt. 58 at ¶ 2. The protesters chose to gather near the precinct to directly express their grievances about police brutality toward Black people and to be heard by police officers patrolling historically Black and African American neighborhoods. Herrera Decl.

at ¶ 2. Declarant Haley Dallas was at this protest, and marched with the group from Fernhill Park to the North Precinct. Dallas Decl. ¶ 2. After the crowd had gathered outside the precinct, officers started firing munitions down from the roof onto the crowd, and declared that the protest was an unlawful assembly. *Id.* Officers rushed into the crowd, started pushing people, grabbing people, throwing people on the ground, and beating people with batons, and arrested people. *Id.* at ¶ 3. The vast majority of people were subject to force without being arrested, and the majority of people beaten by police were not arrested. *Id.*

Officers shot many people with munitions, firing directly at people into thick crowds from about a few feet away, including people whose backs were turned to them and were walking away. *Id.* at ¶ 4. Police pushed a woman down; when another protester tried to help her up, an officer aimed at the helper from about 2-3 feet away and shot them with a large round just below the knee. *Id.* at ¶ 5. As the helper and Declarant Dallas were leaving to get to safety, walking away from the officers with their hands up in the air, police shot Dallas in the rear end, causing pain and a large welt and eventual bruise, as well as trauma, fear, and distress. *Id.* ¶ 6.

#### **B. June 30, 2020**

In addition to the description of events in Plaintiffs' Reply in Support of their Motion for a Preliminary Injunction, Dkt #116, incorporated herein, Plaintiffs offer the following facts. Declarant Dallas saw police officers surrounding the PPA building in full riot gear. Dallas Decl. at ¶ 8. Almost immediately after the crowd got to the PPA building, the police announced that this was an unlawful assembly, and bull-rushed protestors before indiscriminately shooting munitions into the crowd from a line of officers 20-30 feet away from the retreating crowd of

protesters. *Id.* at ¶ 9, 10; Herring Decl. ¶ 8; Haas Decl. ¶ 7, 13. Officers fired munitions into some dumpsters that protestors had dragged into the street, igniting a fire inside. Haas Decl. ¶ 11.

One protester walked a few feet toward them and the officers started firing off into the crowd; Declarant Dallas was closest to the police line, and though she did not get hit, she was closest to the officers and saw them shooting into the crowd behind her. Dallas Decl. at ¶ 9. Police shot Declarant Haas in the thigh and shin with rubber bullets. Haas Decl. ¶ 13.

Witnesses saw police bull-rush protestors, run after people, tackle and beat them, and use impact munitions against them. *Id.* at ¶ 11; Herring Decl. ¶ 4, 5; VanWeelden Decl. at ¶ 3. Declarant Dallas saw a woman, who, within seconds of being dragged down on the ground by officers had 4-5 officers tackle her. Dallas Decl. at ¶ 12. The officers did not give people with limited physical abilities time to get away, and officers were targeting people who couldn't get away fast enough. *Id.* ¶13. This targeting of individual protesters who had fallen behind was particularly scary to see: officers pushed people onto the ground, hit them with batons, and then they allowed people to get up only to push them to the ground again. *Id.* It felt like they were punishing people for being there with no intent to even arrest them. *Id.*

Eventually, officers started firing CS gas into the crowd even though the protesters had not done anything to escalate the police. *Id.* at ¶ 14; Greatwood Decl. at ¶ 9; Haas Decl. ¶ 13-15; VanWeelden Decl. at ¶ 7, 13. The air was thick with tear gas. *Id.* at ¶ 5, 7, 8. The officers charged the crowd, forcing people to run through the gas. Haas Decl. ¶ 15. Many people present were choking, coughing, and vomiting, and in great distress. Dallas Decl. ¶ 15; Haas Decl. ¶ 19; VanWeelden Decl. ¶ 10. Officers fired gas canisters or other munitions into grass along the fence near De la Salle school, starting a fire. VanWeelden Decl. ¶ 9.

Officers seemed to target journalists and people documenting the demonstrations. *Id.* at ¶

4. For example, officers recognized and identified Eric Greatwood, who has been livestreaming many protests, by name, threatening to shove him if he did not get back. Greatwood Decl. at ¶ 4, 7. Police fired impact munitions at Greatwood's groin, hitting him and injuring him, possibly permanently, and to the point he could no longer document the protest. Greatwood Decl. at ¶ 9-11. Greatwood believes police intentionally targeted him. *Id.* at 18. Later that night police arrested Leslie McClain, a journalist, who police seemed to target for the act of filming them, while she was crossing the street at a crosswalk. Dallas Decl. at ¶ 16. Officers took her press pass and cuffed her even though she was coughing and vomiting, visibly hurt, and in extreme distress. *Id.* at ¶ 16. Police did not give people who were in clear distress medical attention. *Id.* ¶ 16, 17.

Throughout the evening on both June 25 and June 30, PPB officers and other officers there did not have their names and badges displayed. Dallas Decl. at ¶ 18. Moreover, during the events of June 30, officers used the LRAD close to the protesters. Herring Decl. at ¶ 10. Herring states that the LRAD "hurt a lot" and "felt like an instant headache between my ears." *Id.* Decalarant VanWeelden felt like the eardrum he had just had surgically replaced was going to rupture. VanWeelden Decl. at ¶ 7.

While protestors and observers believe in the importance of protests, they fear being injured again, and for their safety due to police violence. Dallas Decl. at ¶ 19; Greatwood Decl. ¶ 19; Herring Decl. at ¶ 11.

## **II. SUPPLEMENTAL ARGUMENT**

The evidence above and incorporated from Plaintiffs' Reply In Support of their Motion for Preliminary Injunction supports a finding that City Defendants have violated the Temporary

Restraining Orders in this case. Plaintiffs' hereby incorporate their argument in their Motion for a Finding of Contempt and For Sanctions, at Dkt. 55, in support of a contempt finding.

**DATED** this 13<sup>th</sup> day of July, 2020

s/Jesse Merrithew

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